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(UNITED STATES PATENT AND TRADEMARK OFFICE REGISTRATION #52,808)

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Before the United States Patent and Trademark Office

REPLY TO OFFICE ACTION

Mailing Date of Office Action: 23 August 2005

Regarding:

Application Number: **10/628,891**

Filing Date: 28 July 2003

Applicant: Robert L. Demchick

Title: Recreational Vehicle Equipped with Exterior Water Outlet

Art Unit: 3753

Examiner: A. Michael Chambers

After carefully reviewing the teaching of Eisner (U.S. Patent 2,837,109) and the teaching of Reid (U.S. Patent 3,594,825), we must respectfully disagree with the rejection of claims 18-28 based on 35 U.S.C. §103.

No motivation is found in Eisner or in Reid for combining the teachings of those references. No other reference is cited indicating such motivation. When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper. *Ex parte Skinner*, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986) MPEP § 2142.

The showing of a suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." *C.R. Bard, Inc. v. M3 Sys. Inc.*, 157 F.3d 1340, 1352, 48 USPQ 2d 1225, 1232 (Fed. Cir. 1998). The showing of a suggestion, teaching, or motivation to combine the prior art references must be clear and particular. Broad statements about the teaching of multiple references, standing alone, are not evidence. *Dembiczak*, 175 F.3d at 1000, 50 USPQ2d at 1617. "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984) "The combination of elements from non analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself." *In re Oetiker*, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992)

The nature of the use of the invention disclosed by Eisner and the nature of the use of the invention disclosed in Application 10/628,891 would indicate that the reason for the placement of the water inlet and mixture outlet of Eisner could not possibly be the same or analogous to the reason for the placement of the of the water inlet and water outlet of the invention disclosed in Application 10/628,891.

The waterproofing material pumping systems art is a nonanalogous art to the recreational vehicle art to which the invention disclosed in application 10/628,891 pertains. Those skilled in the recreational vehicle art would not be reasonably expected to look to waterproofing material pumping systems to solve the sort of problem of user convenience and sanitation addressed in application 10/628,891. In fact even if one in the recreational vehicle art DID look to the waterproofing material pumping systems art, the invention disclosed by Eisner was not addressing the same issues as addressed by the invention disclosed in application 10/628,891. "In resolving the question of obviousness under 35 U.S.C. 103, we presume full knowledge by the inventor of all the prior art in the field of his endeavor. However, with regard to prior art outside the field of his endeavor, we only presume knowledge from those arts reasonably pertinent to the particular problem with which the inventor was involved." *In re Wood*, 202 USPQ 171, 174 (C.C.P.A. 1979).

The fact that waterproofing material pumping systems and recreational vehicles are both "wheeled fluid systems" does not in itself make the arts analogous. That broad category would encompass not only waterproofing material pumping systems and recreational vehicles but certain irrigation equipment, toy fire trucks, insulated water containers with wheels (such as those used by sports teams), port-a-potties, household dehumidifiers, the space shuttle and gas grills. That is clearly too broad.

The leap from waterproofing material pumping systems to recreational vehicles is greater than leaps that have been deemed too great for arts to be considered analogous. One type of filter has been held not to be analogous art to another type of filter. *Ex parte Re Qua*, 56 USPQ 279, 280 (Pat. Off. Bd. App. 1942). One type of memory circuit in computers has been held not to be analogous

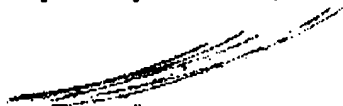
art to another type of memory circuit in computers. *Wang Labs., Inc. v. Toshiba Corp.*, 26 USPQ 2d 1767, 1773 (Fed. Cir. 1993)

Although the invention disclosed by Eisner and the invention disclosed in application 10/628,891 both include liquid handling systems, the problem solved by the invention disclosed in application 10/628,891 is quite different from the problem solved by the invention disclosed by Eisner.

Even the combination of Eisner and Reid do not yield the invention disclosed in application 10/628,891. For example, the water inlet of Eisner is on the starboard side and the mixture outlet of Eisner is on the port side. In application 10/628,891, the water inlet is on the port side and the water outlet is on the starboard side. Which side the inlet and outlet are disposed on is critical to the function of the invention disclosed in application 10/628,891. The importance of which side the inlet and outlet are on is discussed at length in application 10/628,891.

During the telephone interview 06 September 2005, the Examiner requested that I place in this reply this reminder that he is welcome to telephone the undersigned agent to attempt to resolve any outstanding issues.

Respectfully submitted,



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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, FAX Number 571 273 8300 on 07 October 2005.



Paul H. Demchick